

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Joshua E. Frost,

Petitioner,

v.

Case No. 2:19-cv-424

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

Warden, Chillicothe  
Correctional Institute,

Respondent.

OPINION AND ORDER

On December 20, 2019, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this action be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. ECF No. 7. Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. Therefore, the R&R, ECF No. 7, is **ADOPTED** and **AFFIRMED**. The action is **DISMISSED** without prejudice.

Petitioner has waived his right to appeal by failing to file objections. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

  
MICHAEL H. WATSON, JUDGE  
UNITED STATES DISTRICT COURT